IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24224 of 2004

Between:

J.B.Shailaja, D/o.Late J.B.Ramakrishna Rao,
R/o.H.No.4-25, Srinivasa Colony, Saroornagar, Hyderabad.

..... PETITIONER

AND

1 Commissioner of Civil Supplies, A.P.Hyderabad.
2 The Chief Rationing officer, Civil Supplies Department, Hyderabad.
3 The District Supply officer (City), Civil Supplies, Hyderabad.
4 The Assistant Supply officer, Circle No.II, Civil Supplies, Hyderabad.
5 K.Annapurna, W/o.Surya Prakash,
C/o.Dist. Supply officer (City), Civil Supplies, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order, direction, a writ specially one in the nature of writ of Mandamus setting aside proceedings bearing NO.Rc.No.B1/4882/2004 dated 14-12-2004, issued by the chief Rationing officer, (Respondent No.2) Hyderabad, as illegal, untenable and unenforceable consequently supply essential commodities to the petitioner for distribution as usual and pass such other or further orders which the Hon'ble court deems fit and proper.

Counsel for the Petitioner:MR.J.KANAKAIAH

Counsel for the Respondents No.1 to 4: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following ORDER:

The petitioner was appointed as a fair price shop dealer, on temporary basis, for shop No.229, Hyderabad. The father of the petitioner was functioning as a dealer and on his death, the petitioner came to be appointed, on temporary basis. On 01.07.2004, the District Supply Officer (City), the third respondent, suspended the authorization of the petitioner, on certain grounds. Aggrieved thereby, she preferred an appeal before the Chief Rationing Officer, the second respondent. Through order dated 08.11.2004, the second respondent directed that the petitioner be continued as the dealer, on temporary basis, till a fresh appointment, on regular basis, is made to the fair price shop.

The third respondent initiated steps for appointment of regular dealers for number of shops in his jurisdiction. In respect of the shop, which was being handled by the petitioner, one K. Annapurna, the fifth respondent, was selected through proceedings dated 14.12.2004. The petitioner claims to have preferred an appeal against the same before the second respondent. Her grievance is that no interim orders were passed therein and meanwhile the third respondent is proceeding to permit the fifth respondent to distribute the essential commodities.

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

The appointment of the petitioner as a dealer, on temporary basis, in the vacancy caused on account of the death of her father, virtually, came to an end with the selection and appointment of the fifth respondent by the third

respondent. If the petitioner is of the view that the appointment of the fifth respondent is unsustainable in law, she has to canvass the same before the appellate authority, viz. the second respondent. The appeal is said to be pending. It is impermissible to grant any interim orders in the appeals preferred against the orders appointing a dealer or canceling the dealership. The legality or otherwise of such orders needs to be considered only at the final hearing. Therefore, this Court is not inclined to interfere, at this stage. The second respondent has to expedite the hearing of the appeal.

Hence, the writ petition is disposed of directing the second respondent to dispose of the appeal preferred by the petitioner within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

21.02.2005

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To

1 Commissioner of Civil Supplies, A.P.Hyderabad.
2 The Chief Rationing officer, Civil Supplies Department, Hyderabad.
3 The District Supply officer (City), Civil Supplies, Hyderabad.
4 The Assistant Supply officer, Circle No.II, Civil Supplies, Hyderabad.
5 Two CCs. to the G.P. for Civil Supplies, High Court of A.P.,

Hyderabad (OUT).

6 Two CD copies.